



**HOUSING AUTHORITY  
of the County of Los Angeles**

Administrative Office  
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**Gloria Molina  
Mark Ridley-Thomas  
Zev Yaroslavsky  
Don Knabe  
Michael D. Antonovich**  
*Commissioners*

**Sean Rogan**  
*Executive Director*

**AGENDA  
FOR THE REGULAR MEETING OF THE  
LOS ANGELES COUNTY HOUSING COMMISSION  
WEDNESDAY, AUGUST 25, 2010  
12:00 NOON  
MARINA MANOR  
3405 VIA DOLCE  
MARINA DEL REY, CA 90092  
(323) 653-3090**

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**1. Call to Order**

**2. Roll Call**

**Adriana Martinez, Chair  
Alberta Parrish, Vice Chair  
Henry Porter, Jr.  
Severyn Aszkenazy  
Zella Knight  
Mary Lou Leggett  
Laurence Levin**

**3. Reading and Approval of the Minutes of the Previous Meeting**

Regular Meeting of July 28, 2010

**4. Report of the Executive Director**

**5. Public Comments**

The public may speak on matters that are within the jurisdiction of the Housing Commission. Each person is limited to three minutes.



## Regular Agenda

6. **Approve A Construction Contract With C A S General Contractor For Electric Meter Conversion At The Nueva Maravilla Housing Development In Unincorporated East Los Angeles (First District)**

Recommend that the Board of Commissioners approve and authorize the Executive Director to execute and if necessary, terminate a Contract in the amount of \$1,838,900 to C A S General Contractor to complete the electrical meter conversion and all associated work at the Nueva Maravilla housing development, using \$897,659 in Community Development Block Grant (CDBG) funds allocated to the First Supervisorial District by the U.S. Department of Housing and Urban Development (HUD) and \$941,241 in Capital Fund Program (CFP) funds allocated by HUD; authorize the Executive Director to approve Contract change orders not exceeding \$367,780 for unforeseen project costs, using CFP funds and following approval as to form by County Counsel; authorize the Executive Director to incorporate \$547,659 in CDBG funds and \$1,309,021 in CFP funds into the Housing Authority's approved Fiscal Year 2010-11 budget; find that the approval of the Contract is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 because the work includes activities that will not have the potential for causing a significant effect on the environment. (APPROVE)

7. **Approve Settlement of Tort Liability Case Estate Of Enedina De Loza Aceves, Et Al. Vs. Housing Authority Of The County Of Los Angeles, Et Al. (All Districts)**

Recommend that the Board of Commissioners approve and authorize the Executive Director to execute a settlement agreement in the amount of \$75,000, to be paid from \$37,500 in Housing Management Administrative Funds and \$37,500 in Public Housing Operating Funds, to the Estate of Enedina De Loza Aceves, Lillian Gutierrez and Jesse Aceves in settlement of Estate of Enedina De Loza Aceves, et al. vs. Housing Authority of the County of Los Angeles, et al., following approval as to form by County Counsel; find that approval of the settlement is not subject to the provisions of the California Environmental Quality Act (CEQA) because the activity is not defined as a project under CEQA. (APPROVE)

8. **Housing Commissioners Comments and Recommendations for Future Agenda Items**

Housing Commissioners may provide comments or suggestions for future Agenda items.

Copies of the preceding agenda items are on file and are available for public inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday, at the Housing Authority's main office located at 2 Coral Circle in the City of Monterey Park. Access to the agenda and supporting documents is also available on the Housing Authority's website.

Agendas in Braille are available upon request. American Sign Language (ASL) interpreters, or reasonable modifications to Housing Commission meeting policies and/or procedures, to assist members of the disabled community who would like to request a disability-related accommodation in addressing the Commission, are available if requested at least three business days prior to the Board meeting. Later requests will be accommodated to the extent possible. Please contact the Executive Office of the Housing Authority by phone at (323) 890-7424, or by e-mail at [donna.delvalle@lacdc.org](mailto:donna.delvalle@lacdc.org), from 8:00 a.m. to 5:00 p.m., Monday through Friday.

THE HOUSING AUTHORITY OF THE COUNTY OF LOS ANGELES  
MINUTES FOR THE REGULAR MEETING OF THE  
LOS ANGELES COUNTY HOUSING COMMISSION

Wednesday July 28, 2010

The meeting was convened at the Harbor Hills Housing Development located at 26607 W. Western Avenue, Lomita, California.

Digest of the meeting. The Minutes are being reported seriatim. A taped record is on file at the main office of the Housing Authority.

The meeting was called to order by Chair Adriana Martinez at 12:19 p.m.

<b><u>ROLL CALL</u></b>	<b><u>Present</u></b>	<b><u>Absent</u></b>
Adriana Martinez, Chair	X	
Alberta Parrish, Vice Chair		X
Severyn Aszkenazy	X	
Henry Porter	X	
Zella Knight		X
Mary Lou Leggett	X	
Laurence Levin	X	

**PARTIAL LIST OF STAFF PRESENT:**

Sean Rogan, Executive Director  
Dorian Jenkins, Deputy Executive Director  
Maria Badrakhn, Director, Housing Management  
Margarita Lares, Director, Assisted Housing

**GUESTS PRESENT:**

Rick Velasquez, Deputy, 4th District.

**Reading and Approval of the Minutes of the Previous Meeting**

On Motion by Commissioner Porter, seconded by Commissioner Martinez, with the correction that Commissioner Leggett was not present at last meeting and Commissioner Knight was present, the Minutes of the Regular Meeting of June 23, 2010, were approved.

#### **Agenda Item No. 4 – Report of the Executive Director**

Mr. Dorian Jenkins presented the following report:

##### Assisted Housing (Section 8 Program)

- 100% housing vouchers were leased-up.
- 100% annual certifications were completed.
- 100% annual inspections were completed.

##### Conventional Public Housing Program

- The Housing Authority received a NACO (National Association of Counties) Award for the assisted living program at South Bay Gardens.
- The Harbor Hills development received a grant to provide wireless internet throughout the community.
- 100% of the ARRA competitive grants were obligated.
- 97% of available units were leased-up.

With the above accomplishments, the Housing Authority looks forward to receiving a HUD-rating of “High Performer”.

The Housing Authority is preparing to submit the SEMAP Certification in August and expects to repeat the success of the last fiscal year.

Ms. Tracie Mann was introduced as the new Manager for the Assisted Housing Program in the Antelope Valley office.

#### **Agenda Item No. 5 Public Comments**

Micky Kasler and Ingri Villalba, Harbor Hills residents, requested the use of the computer lab for adult residents and information on grants for adult computer classes.

Ms. Villalba stated that she was concerned about the safety and criminal activity in the area and how to educate the youth in the Harbor Hills community on drug prevention.

Lucinda Walls, Resident Initiative Coordinator responded that in the month of September they anticipate a computer literacy class to begin for the adult residents at Harbor Hills.

Dorian Jenkins responded that the Property Manager will assist the residents with other opportunities to bring programs to Harbor Hills.

#### **Agenda Item No. 6 Staff Presentations**

Graduation awards for the Family Self Sufficiency Program were presented by Ms. Margarita Lares, Assisted Housing Director.

## Regular Agenda

**On Motion by Commissioner Porter, seconded by Commissioner Martinez, and unanimously carried, the following was approved by the Housing Commission:**

**ADOPT RESOLUTION AUTHORIZING THE REFUNDING OF MULTIFAMILY HOUSING MORTGAGE REVENUE BONDS FOR SAND CANYON VILLAS IN THE CITY OF SANTA CLARITA. (DISTRICT 5)  
AGENDA ITEM NO. 7**

1. Recommend that the Board of Commissioners adopt and instruct the Chair to sign a resolution authorizing the issuance, sale and delivery of Multifamily Housing Mortgage Revenue Refunding Bonds by the Housing Authority of the County of Los Angeles, as required under Section 147(f) of the Internal Revenue Code of 1986, in an aggregate amount not to exceed \$17,000,000 in tax-exempt bonds to refund existing bonds for the Sand Canyon Villas, a 215-unit multifamily development located in the City of Santa Clarita.
2. Recommend that the Board of Commissioners authorize the Executive Director of the Housing Authority to negotiate, execute and if necessary, amend all related documents and take all necessary actions for refunding Multifamily Housing Mortgage Revenue Bonds for Sand Canyon Villas.
3. Recommend that the Board of Commissioners find that adoption of the resolution is not subject to the California Environmental Quality Act (CEQA) because the action is not defined as a project under CEQA.

**On Motion by Commissioner Porter, seconded by Commissioner Levin, and unanimously carried, the following was approved by the Housing Commission:**

**ADOPT RESOLUTION AUTHORIZING THE REFUNDING OF MULTIFAMILY HOUSING MORTGAGE REVENUE BONDS FOR DIAMOND PARK APARTMENTS IN CITY OF SANTA CLARITA (DISTRICT 5)  
AGENDA ITEM NO.8**

1. Recommend that the Board of Commissioners adopt and instruct the Chair to sign a resolution authorizing the issuance, sale and delivery of Multifamily Housing Mortgage Revenue Refunding Bonds by the Housing Authority of the County of Los Angeles, as required under Section 147(f) of the Internal Revenue Code of 1986, in an aggregate amount not to exceed \$14,200,000 in tax-exempt bonds to refund existing bonds for the Diamond Park Apartments, a 256-unit multifamily development in the City of Santa Clarita.

2. Recommend that the Board of Commissioners authorize the Executive Director of the Housing Authority to negotiate, execute and, if necessary, amend all related documents and take all necessary actions for refunding Multifamily Housing Mortgage Revenue Bonds for Diamond Park Apartments.
3. Recommend that the Board of Commissioners find that adoption of the resolution is not subject to the California Environmental Quality Act (CEQA) because the action is not defined as a project under CEQA.

**On Motion by Commissioner Porter, seconded by Commissioner Levin, and unanimously carried, the following was approved by the Housing Commission:**

APPROVE VIDEO SURVEILLANCE SYSTEMS INSTALLATION  
FOR SIX HOUSING DEVELOPMENTS AND ONE MANAGEMENT OFFICE  
(DISTRICTS 1, 2, 4)  
AGENDA ITEM NO.9

1. Recommend that the Board of Commissioners award and authorize the Executive Director to execute and, if necessary, terminate a Contract in the amount of \$194,934 with West Beach Systems, to provide and install video surveillance cameras and equipment at six housing developments and one management office, using \$150,903 in Capital Fund Program (CFP) funds allocated by the U.S. Department of Housing and Urban Development (HUD) and \$44,031 in Housing Authority Operating Funds included in the Housing Authority's approved Fiscal Year 2010-2011 budget.
2. Recommend that the Board of Commissioners authorize the Executive Director to approve Contract change orders not exceeding \$19,493 for unforeseen project costs, using CFP and Housing Authority Operating Funds.
3. Recommend that the Board of Commissioners find that the installation of video surveillance cameras and equipment is exempt from the California Environmental Quality Act (CEQA) because the activities involve negligible or no expansion of use beyond what currently exists and will not have the potential for causing a significant effect on the environment.

**On Motion by Commissioner Porter, seconded by Commissioner Levin, and unanimously carried, the following was approved by the Housing Commission:**

CONCUR WITH APPROVAL TO INCORPORATE FUNDS INTO THE  
HOUSING AUTHORITY'S APPROVED BUDGET FOR SERVICES TO BE

PROVIDED BY THE DEPARTMENT OF PARKS AND RECREATION AT  
THE NUEVA MARAVILLA HOUSING DEVELOPMENT IN  
UNINCORPORATED EAST LOS ANGELES. (DISTRICT 1)  
AGENDA ITEM NO.10

1. Concur with the Board of Commissioners' authorization for the Executive Director to accept \$132,000 from the Community Development Commission and incorporate the funds into the Housing Authority's Fiscal Year 2010-2011 approved budget, to fund the recreation program provided by the Department of Parks and Recreation at the Nueva Maravilla Housing Development.
2. Concur with the Board of Commissioners' finding that the transfer of funds is not subject to the California Environmental Quality Act (CEQA) because the activities are not defined as a project under CEQA.

**On Motion by Commissioner Porter, seconded by Commissioner Aszkenazy, and unanimously carried, the following was approved by the Housing Commission:**

APPROVE A CONSTRUCTION CONTRACT WITH  
AMERICAN LANDSCAPE, INC. FOR XERISCAPING AT THE  
NUEVA MARAVILLA HOUSING DEVELOPMENT (DISTRICT 1)  
AGENDA ITEM NO.11

1. Recommend that the Board of Commissioners approve and authorize the Executive Director to execute and, if necessary, terminate a Contract in the amount of \$1,517,185 with American Landscape, Inc. to complete xeriscaping, irrigation systems, and entry gateway improvements and all associated work at the Nueva Maravilla housing development, using \$298,344 in Community Development Commission General Funds and \$1,218,841 in Capital Fund Recovery Competition (CFRC) funds allocated by the U.S. Department of Housing and Urban Development (HUD).
2. Recommend that the Board of Commissioners authorize the Executive Director to approve Contract change orders not exceeding \$303,437 for unforeseen project costs, using Commission General Funds and following approval as to form by County Counsel.
3. Recommend that the Board of Commissioners authorize the Executive Director to incorporate up to \$601,781 in Commission General Funds into the Housing Authority's approved Fiscal Year 2010-2011 budget for the purposes described above.
4. Recommend that the Board of Commissioners find that approval of the Contract is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to State CEQA

Guidelines Section 15301, because the work includes activities that will not have the potential for causing a significant effect on the environment.

**Agenda Item No. 12 – Housing Commissioner Comments and Recommendations for Future Agenda Items**

Commissioner Leggett stated that she attended the New Commissioner Orientation provided by the Los Angeles County Board of Supervisors. She was impressed with the information provided and was happy to attend.

Commissioner Aszkenazy apologized for arriving late to the meeting.

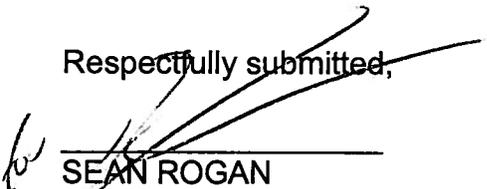
Commissioner Martinez welcomed Commissioner Levin to the Housing Commission Board. She also informed staff that she will not be present at next Housing Commission meeting.

Commissioner Porter asked whether the use of HPRP grants for energy efficient, are restricted to a specific location. Dorian Jenkins responded that the funds are restricted to specific projects identified in the grant. Commissioner Porter also expressed appreciation for the photos that are provided to the Housing Commissioners for each project.

Commissioner Levin thanked staff and the Commissioners for their patience and help.

On Motion by Commissioner Porter the Regular Meeting of July 26, 2010, was adjourned at 1:49 pm.

Respectfully submitted,

  
SEAN ROGAN  
Executive Director  
Secretary – Treasurer

FOR YOUR INFORMATION ONLY

August 19, 2010

TO: Housing Commissioners

FROM: Dorian Jenkins, Deputy Executive Director

**SUBJECT: MOTION BY SUPERVISOR YAROSLAVSKY TO ADD FUNDS TO THE CONTRACT WITH AZ HOME, INC. FOR IMPROVEMENTS AT THE OCEAN PARK HOUSING DEVELOPMENT**

On July 22, 2009, the Housing Commission recommended approval of a contract with AZ Home, Inc. to complete various interior and exterior improvements at the Ocean Park Housing Development in Santa Monica. The Board of Commissioners subsequently approved the contract on August 4, 2009.

At the Board meeting of August 24, 2010, Supervisor Yaroslavsky will introduce the attached motion to add \$59,934 to the contract amount. These additional funds are needed for several items that have come to the Housing Authority's attention since construction began. These items are detailed in the attached motion.

This motion does not require any action by the Housing Commission at this time. Should you require additional information, please feel free to call me at (323) 838-7706.

DJ:nt

Attachment

AGN. NO. \_\_\_\_\_

MOTION BY SUPERVISOR ZEV YAROSLAVSKY

August 24, 2010

On August 4, 2009, this Board awarded a contract in the amount of \$499,455 to AZ Home, Inc. to complete various interior and exterior improvements at the Ocean Park housing development in the City of Santa Monica using Capital Fund Program funds allocated by the U.S. Department of Housing and Urban Development. The Board also approved a 20% contingency of \$99,891 for unforeseen project costs.

Construction is in progress and upon inspection, the City of Santa Monica's Building and Safety Department is now requiring the installation of Ground Fault Circuit Interrupters (GFCI's) at several kitchen countertops near the new stove location. This will require opening the walls, installation of the GFCI's, and patch and paint work. The City is also requiring that the gas ranges and range hoods have individual circuits instead of the shared circuits that the existing ranges and hoods use.

In addition, upon the demolition of the kitchen cabinets, AZ Home, Inc. informed the Housing Authority that there is exposed plumbing in several units. The installation of a wall to cover the exposed plumbing is needed.

The estimated cost for this newly required work is \$59,934. When added to previously required unforeseen project costs, this amount would exceed the remainder

MOTION

RIDLEY-THOMAS \_\_\_\_\_

YAROSLAVSKY \_\_\_\_\_

KNABE \_\_\_\_\_

ANTONOVICH \_\_\_\_\_

MOLINA \_\_\_\_\_

of the approved Contract contingency. For this reason, an amendment is necessary to provide additional funds to complete this project.

**I, THEREFORE, MOVE** that the Board, acting as the Commissioners of the Housing Authority:

1. Find that amending the Contract for interior and exterior improvements at the Ocean Park housing development is exempt from the provisions of the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15301, because it does not have the potential for causing a significant effect on the environment.
2. Approve and authorize the Executive Director to amend the existing Contract with AZ Home, Inc., to complete the required interior and exterior improvements at the Ocean Park housing development; and authorize the Executive Director to use for this purpose an additional \$59,934 in Capital Fund Program funds allocated by the U.S. Department of Housing and Urban Development and included in the Housing Authority's approved Fiscal Year 2010-2011 budget, for a total compensation amount of \$559,389.

BS S:\Motions\2010\Ocean Park

August 17, 2010

TO: Housing Commissioners

FROM: Dorian Jenkins, Deputy Executive Director

**SUBJECT: STATUS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY (CDBG-R) PROGRAM**

The Community Development Block Grant (CDBG) Division is closely monitoring CDBG-R subrecipients to ensure that they: (a) spend at least 50% of their allocated funds by January 31, 2011; (b) spend all of their allocated funds by June 30, 2012; and (c) meet all grant requirements by September 30, 2012. We are currently pacing at an appropriate level: as of August 16, 2010, \$2,611,994 (32.5%) of the total \$8,038,487 under contract has been expended.<sup>1</sup> Following are major actions taken since the last report:

- Monthly policy bulletins were issued to all CDBG-R subrecipients (on June 29, 2010 and on August 2, 2010). These bulletins show, by agency and project, how much has been spent and the amount of funds that each subrecipient must spend by January 31, 2011 to reach their 50% expenditure standard. These bulletins will continue to be issued on a monthly basis, through December 2010.
- To date, 22 of the 64 CDBG-R funded projects (34%) have already met the 50% drawdown standard ahead of the January 31<sup>st</sup> deadline.
- On June 30, 2010, the CDBG Division hosted a meeting with its participating cities. During this meeting, bar charts that reflected the expenditure performance by project were distributed and cities were urged to notify CDBG if they did not plan to spend all of their CDBG-R funds (this would enable reallocation to other eligible CDBG-R projects).

DJ:TG:AC:ec

H:TG\ARRA\ARRA Status Report For CDBG-R (As of August 2010)

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<sup>1</sup> Our total grant is \$8,080,582, and one (1) additional project with a budget of \$42,095 is planned to begin in August 2010. We executed reimbursable contracts with our CDBG-R subrecipients. Therefore, the "expended" amount is a conservative dollar figure because it represents only the funds that our subrecipients have claimed and that we have reimbursed to them. Also, some CDBG-R funded cities and County Departments submit funding requests on a bi-monthly, instead of on a monthly basis.

**FOR YOUR INFORMATION ONLY**

August 17, 2010

TO: Housing Commissioners

FROM: Dorian Jenkins, Deputy Executive Director

**SUBJECT: STATUS OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA) HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP)**

The Homelessness Prevention and Rapid Re-Housing Program (HPRP) is a collaborative effort among the Community Development Commission (CDC), the Chief Executive Office (CEO), implementing County Departments, and the Los Angeles Homeless Services Authority (LAHSA). Actions since the last report include the following:

- To date, \$1,318,864 (10.99%) of the \$12,000,852 budget has been expended. The total grant award is \$12,197,108; funds from non-performing County programs, plus approximately \$200,000 in unallocated funds have been reprogrammed to HPRP-eligible non-profit agencies.
- Effective August 1, 2010, the CDC's Community Development Block Grant (CDBG) Division assumed the lead responsibility for administrating the HPRP. Since CDC-CDBG has direct HPRP grant oversight, this shift will enable implementation of a more focused outreach and marketing strategy to increase Program participation.
- Recommendation to award agreements to the selected non-profit agencies is scheduled for Board of Supervisors approval on August 31, 2010. Several of these agencies are currently operating similar HPRP programs within other local jurisdictions, and it is anticipated that their established links to the community and their experience in housing, homelessness prevention assistance, and case management will complement the existing Program.
- Comprehensive training sessions for the selected non-profits, to cover programmatic, financial, and reporting requirements, was conducted on August 17, 2010, and by early September 2010, these agencies will begin delivering services from six (6) locations throughout the County.
- By late August 2010, CDC-CDBG Division will complete in-progress monitoring reviews of the County Departments' HPRP programs to ensure their compliance with Federal grant requirements and the County Auditor-Controller financial standards.

DJ:TG:AC:ec

H:TG\ARRA\ARRA Status Report For HPRP (As of August 2010)

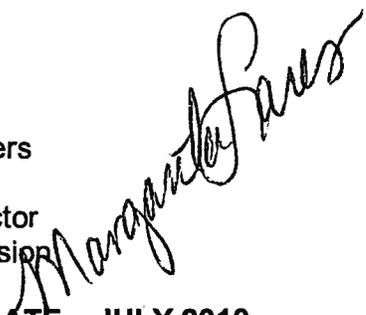
**Housing Authority - County of Los Angeles**

FOR YOUR INFORMATION ONLY

August 25, 2010

TO: Housing Commissioners

FROM: Margarita Lares, Director  
Assisted Housing Division



RE: **FSS PROGRAM UPDATE – JULY 2010**

The Family Self-Sufficiency (FSS) Program is a HUD initiative intended to assist Public Housing residents and Housing Choice Voucher Program participants achieve economic independence and self-sufficiency.

<b>Activities</b>		
<b>RECRUITMENT</b>	31 19	Applications Received Applications Sent
<b>ENROLLMENTS</b>	9	New FSS Participants
<b>TERMINATIONS</b>	2 3	Participant Terminated from FSS: Contract Expiration Participants Terminated from FSS: Porting to another PHA
<b>MEETINGS</b>	1 1 1 1	Hub Cities Partner Meeting SASSFA Partner Meeting Southern California FSS Network Meeting Board of Commissioner Meeting/FSS graduation
<b>WORKSHOPS</b>		
<b>Program Presentations</b>	2 1	Program presentation at Partnership Meetings Southern California FSS Network Meeting
<b>Money Smart Workshop</b>	9 14	Disseminated Credit Repair Informational Packets Disseminated Budget Informational Packets
<b>REFERRALS</b>	9 5 22 11	Job referral from the employment network job board CDC Home Ownership Program (HOP) Homelessness Prevention & Rapid Re-Housing program WorkSource Center employment workshops and job fairs
<b>GRADUATIONS</b>	1 1	Conducted FSS graduation ceremony for 7 participants Conducted FSS graduation ceremony for 1 participant

If you have any questions, please feel free to contact me at (562) 347-4837.

ML:CJ:RM:dt

**Community Development Commission**

July 30, 2010

FOR YOUR INFORMATION ONLY

TO: Each Supervisor

FROM: Sean Rogan, Executive Director



SUBJECT: UPDATE ON THE PURSUIT AND IMPLEMENTATION OF FUNDING MADE AVAILABLE IN H.R. 1, THE AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) OF 2009

On March 31, 2009, the Board of Supervisors (Board) requested that the Community Development Commission/Housing Authority of the County of Los Angeles (CDC/HACoLA) report on the efforts to apply for, or take the necessary steps to accept, each category of funding contained within ARRA that the CDC/HACoLA is eligible to receive, either by formula or by competitive grant application. In all, the CDC/HACoLA was awarded \$33,603,148 of the \$114,312,431 applied for.

**Funding Awarded**

**PUBLIC HOUSING CAPITAL FUND (CF)**

***Funding Amount:* \$7,401,512 (by formula)**

***Award of Funds:*** On March 31, 2009, the Board of Commissioners approved a motion to accept the grant funds, and funding became available to the HACoLA on May 14, 2009.

***Use of Funds:*** The funds are being used for security improvements, energy efficiency work measures, preventive maintenance, and general improvements at 12 public housing developments comprised of 2,500 public housing units. As a direct result of CF formula activities, the HACoLA has reported a total of 73 full-time equivalent jobs (that were created or retained) through the 4<sup>th</sup> Quarter to FederalReporting.gov.

***Expenditure Levels:*** As of July 21, 2010, the HACoLA had expended \$3,779,175 of the \$7,401,512 obligated.

***Provisions:*** The HACoLA must obligate 100% of the funds within 1 year, expend 60% of the funds in 2 years, and complete 100% of the fund expenditures in 3 years. The HACoLA has met the mandatory obligation deadline.

***Funding Amount:* \$5,924,000 (Applied for \$22,399,000 by competition.)**

***Award of Funds:*** On June 22, 2009, the HACoLA applied for \$16,475,000 in funding for improvements addressing the needs of the elderly and/or people with disabilities and public housing transformation. Additionally, on July 21, 2009, the HACoLA applied for \$5,924,000 in funding for energy efficient/green community projects.

***Use of Funds:*** The HACoLA was only awarded funding in the 'Creation of an Energy Efficient Green Community category in the amount of \$5,924,000. Funds were granted on September 29, 2009, and are being used at the Nueva Maravilla housing development to reduce energy costs, generate resident and HACoLA energy savings, and reduce greenhouse gas emissions attributable to energy consumption. A total of 20 full-time equivalent jobs were created or retained through the 4<sup>th</sup> Quarter and have been reported to FederalReporting.gov.

***Expenditure Levels:*** On December 1, 2009, the Board approved the acceptance of the funds. As of July 21, 2010, the HACoLA had expended \$390,031 of the \$4,992,759 obligated.

***Provisions:*** The HACoLA must obligate 100% of the funds within 1 year of the date in which

funds become available for contracts. The U.S. Department of Housing and Urban Development (HUD) requires the HACoLA to use at least 60% of the funds within 2 years and 100% of the funds within 3 years.

**COMMUNITY DEVELOPMENT BLOCK GRANT-RECOVERY (CDBG-R)**

**Funding Amount: \$8,080,528 (by formula)**

**Award of Funds:** The CDC submitted an amendment to the CDBG Program Year 2008 Action Plan (as required by ARRA) on June 5, 2009, after receiving approval from the Board on June 2, 2009. The CDC received the CDBG-R Grant Agreements on August 26, 2009.

**Use of Funds:** The CDC worked with the agencies affected by CDBG/ARRA regulations and submitted a final list of projects for approval to HUD on August 13, 2009, and the Board on August 18, 2009. Both HUD and the Board approved the list for the CDC's CDBG-R Program. Project activities include public improvements, housing rehabilitation, economic development, public services, and administration. During the 4<sup>th</sup> Quarter, the following activities occurred: completed rehabilitation of 83 housing units, completed construction of 5 sidewalk improvement projects serving 10,847 people, completed construction of one street improvement project serving 7,143 people, completed Americans with Disabilities Act (ADA) improvements to 3 public facilities, and provided job training to 5 people. In addition, the CDC has reported the creation or retention of 660 jobs which corresponds to 54.46 full-time equivalent positions to date.

**Expenditure Levels:** As of July 19, 2010, the CDC had expended \$2,298,134.

**Provisions:** The CDC must use all CDBG-R funds by September 30, 2012.

**HOMELESSNESS PREVENTION AND RAPID RE-HOUSING PROGRAM (HPRP)**

**Funding Amount: \$12,197,108 (by formula)**

**Award of Funds:** The CDC submitted a completed application to HUD on May 18, 2009, which was subsequently approved the following June. Trainings on reporting, program monitoring, and general implementation were held for the applicable County Departments on August 19, 2009, and the CDC received the HPRP Grant Agreements on August 20, 2009.

**Use of Funds:** Implementation of HPRP began on October 1, 2009; and the Departments of Public Social Services, Consumer Affairs, Children and Family Services, Community and Senior Services, and the Los Angeles Homeless Services Authority (LAHSA) have been working collaboratively to deliver assistance to those in need. In addition, Neighborhood Legal Services began offering legal assistance and representation to persons and families with unlawful detainers on November 1, 2009.

The number of clients assisted continues to increase. From program start through the 4<sup>th</sup> Quarter report, 581 persons have been assisted. Further, the CDC reported the creation or retention of 275 jobs to FederalReporting.gov, which corresponds to 32.31 full-time equivalent positions to date. We will be coming to the Board in August with recommendations for contract approval, funding 4 non-profits in 6 geographic areas of the County. We plan to train these agencies in the upcoming months and continue moving toward program implementation in September. In order to fund the non-profits, we will be reprogramming funds from non-performing or slow performing projects, so that funds will be available for the new contracts.

**Expenditure Levels:** As of July 19, 2010, the CDC had expended \$1,206,704.

**Provisions:** HUD requires that 60% of the funds be used within 2 years, and 100% in 3 years.

### Unsuccessful Grant Applications

#### GREEN RETROFIT PROGRAM FOR MULTIFAMILY HOUSING

**Funding Amount:** Applied for \$2,260,000 by competition.

**Award of Funds:** The HACoLA submitted applications for the Kings Road and Lancaster Homes Housing Developments on June 15, 2009. The HACoLA did not receive this grant.

**Use of Funds:** Had the HACoLA been awarded, the funds would have been used for the modernization and rehabilitation of the Kings Road and Lancaster Homes developments.

#### JUVENILE JUSTICE AND CRIME PREVENTION ACT PROGRAM (JJCPA)/EDWARD BYRNE MEMORIAL COMPETITIVE GRANT PROGRAM

**Funding Amount:** Applied for \$974,283 by competition.

**Award of Funds:** The CDC submitted an application on April 27, 2009. The CDC did not receive this grant.

**Using the Funds:** Had the CDC been awarded, the funds would have been used to support existing JJCPA programs.

#### NEIGHBORHOOD STABILIZATION PROGRAM 2 (NSP2)

**Funding Amount:** Applied for \$61,000,000 by competition.

**Award of Funds:** The CDC submitted an application on July 10, 2009. The CDC did not receive this grant.

**Use of Funds:** Had the CDC been awarded, the funds would have been used to supplement the NSP1 program, which includes the HERO program and Rental Infill Sites activities for tenants below 50% of the area median income (AMI).

If you have any questions, please contact me at (323) 890-7400, or Terry Gonzalez, Director, CDBG Division, at (323) 890-7150.

SR\TG\SH\m  
K:\CDBG Common\IGR-PIARRA Board Memo\July '10 ARRA Memo

#### Attachment

- c: Each Deputy  
Brence Culp, Deputy Chief Executive Officer, Chief Executive Office  
Ellen Sandt, Deputy Chief Executive Officer, Chief Executive Office  
Kathy House, Acting Deputy Chief Executive Officer, Chief Executive Office  
Sachi A. Hamai, Executive Officer/Clerk Board of Supervisors  
Lisa Rizzo, Principal Analyst, Chief Executive Office  
Scott Wiles, Special Assistant, Chief Executive Office  
Vani Dandillaya, Special Assistant, Chief Executive Office

**The CDC/HACoLA  
American Recovery and Reinvestment Act of 2009 (ARRA) Final Award Amounts**

	ARRA GRANT OPPORTUNITY	FUNDING AGENCY	FORMULA AMOUNT/ S APPLIED FOR	AMOUNT AWARDED	GRANT AGREEMENT*
1	Capital Fund (formula)	HUD	\$7,401,512	\$7,401,512	Yes
2	Capital Fund (competitive) - Disabilities Category	HUD	\$9,235,000	Did Not Receive	No
3	Capital Fund (competitive) - PH Transformation	HUD	\$7,240,000	Did Not Receive	No
4	Capital Fund (competitive) - Green Technology	HUD	\$5,924,000	\$5,924,000	Yes
5	Community Development Block Grant - Recovery	HUD	\$8,080,528	\$8,080,528	Yes
6	Neighborhood Stabilization Program 2	HUD	\$61,000,000	Did Not Receive	No
7	Homeless Prevention and Rapid Re-Housing Program	HUD	\$12,197,108	\$12,197,108	Yes
8	Green Retrofit Program for Multifamily Housing	HUD	\$2,260,000	Did Not Receive	No
9	Edward Byrne Memorial Competitive Grant	DOJ	\$974,283	Did Not Receive	No
<b>Total Awarded Under ARRA</b>			<b>\$33,603,148</b>		

\*Grant Agreement Received – Funds available for drawdown at U.S. Treasury.

**From:** Elisa Vasquez  
**Sent:** Monday, August 16, 2010 8:52 AM  
**To:** Directors/Managers  
**Cc:** Daniel Rofoli; Debra Solis; Elisa Vasquez; Geoffrey Siebens; Gloria Ramirez; Grace Thamawatanakul; Gregg Kawczynski; Jose Pilpa; Lynna Ochoa; Marcie Chavez; meiwen fang; Nicholas Teske; Raymond Webster; Robin Pointer; Samantha Harrison  
**Subject:** Legislative Update

FOR YOUR INFORMATION ONLY

Hello,

Below please find an update on State and Federal legislative activity of interest to the CDC. Please let me know if you have any questions.

### **State Budget**

The June 15<sup>th</sup> Constitutional deadline for the State Legislature to approve the State Budget passed over two months ago, and negotiations remain stalled with no signs of a potential budget resolution. Further, no complete spending plan has been debated on the floor of either house of the Legislature. On August 9<sup>th</sup>, the CDC reviewed an overview of the actions taken in the Budget Conference Committee. Although several proposals are floating around, none have gained enough momentum to be seriously considered, so the State remains stagnant. The longest stalemate in the State's history occurred in 2008, when the Governor signed the budget on September 16<sup>th</sup>.

### **State Legislation**

On Monday, August 9<sup>th</sup>, Sean Rogan and TVSM staff traveled to Sacramento to testify before the Senate Appropriations Committee in opposition of AB 2499, the bill posing to restructure the monitoring of traffic schools throughout the State. However, the Committee passed the bill and it is now pending a Senate Floor hearing. The CDC, through our County advocates in Sacramento, will continue to oppose the legislation unless amended to maintain a similar standard of monitoring currently being performed in Los Angeles County. No hearing date has been scheduled as of now.

### **Congressional Legislation**

Congress began their August Recess on August 9<sup>th</sup>, but was called back to Washington DC for emergency votes on legislation dealing with State-aid and border security last week. IGR is in the process of reviewing this legislation for potential impact. Such sessions in the middle of the August recess are unusual.

### **Congressional Delegation Visits**

Several members of the Los Angeles County Congressional delegation have been invited for site visit during the August recess. We currently have two visits scheduled, one with Natalia Price of Representative Roybal-Allard's office, and one with Representative Chu. We are finalizing the details of each visit, which will include a tour of our public housing sites, CDBG-R funded projects and NSP purchased homes.

### **LA County Congressional Delegation and Elections**

Representative Maxine Waters, LA County Congressperson and public housing advocate, has been charged on three counts of violating House rules and the federal ethics code in connection with her effort to arrange a 2008 meeting between Treasury officials and representatives with OneUnited Bank. She is accused of helping OneUnited – a bank in which her husband owned stock - secure federal bailout

funds. Waters has vehemently denied wrongdoing and said she would rather defend herself at an ethics trial than admit to “something I did not do.”

IGR will continue to monitor and report on these and any other legislative matters of impact to the CDC.

Elisa



**HOUSING AUTHORITY  
of the County of Los Angeles**

Administrative Office

2 Coral Circle • Monterey Park, CA 91755  
323.890.7001 • TTY: 323.838.7449 • www.lacdc.org



**Gloria Molina  
Mark Ridley-Thomas  
Zev Yaroslavsky  
Don Knabe  
Michael D. Antonovich**  
Commissioners

**Sean Rogan**  
Executive Director

August 25, 2010

Honorable Housing Commissioners  
Housing Authority of the  
County of Los Angeles  
2 Coral Circle  
Monterey Park, CA 91755

Dear Commissioners:

**APPROVE A CONSTRUCTION CONTRACT WITH C A S GENERAL CONTRACTOR  
FOR ELECTRIC METER CONVERSION AT THE NUEVA MARAVILLA HOUSING  
DEVELOPMENT IN UNINCORPORATED EAST LOS ANGELES  
(FIRST DISTRICT)**

**SUBJECT**

This letter recommends approval of a Construction Contract (Contract) with C A S General Contractor to complete electrical meter conversion from the existing master metered system to an individual unit metered system and all associated work at the Nueva Maravilla housing development located in unincorporated East Los Angeles.

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Recommend that the Board of Commissioners approve and authorize the Executive Director to execute and if necessary, terminate a Contract in the amount of \$1,838,900 to C A S General Contractor to complete the electrical meter conversion and all associated work at the Nueva Maravilla housing development, using \$897,659 in Community Development Block Grant (CDBG) funds allocated to the First Supervisorial District by the U.S. Department of Housing and Urban Development (HUD) and \$941,241 in Capital Fund Program (CFP) funds allocated by HUD.
2. Recommend that the Board of Commissioners authorize the Executive Director to approve Contract change orders not exceeding \$367,780



for unforeseen project costs, using CFP funds and following approval as to form by County Counsel.

3. Recommend that the Board of Commissioners authorize the Executive Director to incorporate \$547,659 in CDBG funds and \$1,309,021 in CFP funds into the Housing Authority's approved Fiscal Year 2010-11 budget.
4. Recommend that the Board of Commissioners find that the approval of the Contract is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 because the work includes activities that will not have the potential for causing a significant effect on the environment.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of this action is to award a Contract to complete electrical meter conversion improvements and all associated work at the Nueva Maravilla housing development.

### **FISCAL IMPACT/FINANCING**

There is no impact on the County general fund. The Housing Authority will fund the improvements with \$350,000 in CDBG funds included in the Housing Authority's approved Fiscal Year 2010-2011 budget, \$547,659 in CDBG funds to be incorporated into the Housing Authority's approved Fiscal Year 2010-2011 budget and \$941,241 in CFP funds to be incorporated into the Housing Authority's approved Fiscal Year 2010-2011 budget.

A 20% contingency, in the amount of \$367,780 is being set aside for unforeseen costs, using CFP funds. The contingency is recommended because electrical meter conversion often involves unforeseen conditions or damage that extend further than initially identified in the scope of work.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The Nueva Maravilla housing development is located at 4919 Cesar E. Chavez Avenue in unincorporated East Los Angeles County. The Nueva Maravilla Electrical Meter Conversion project will improve the community by installing a new underground electrical main service and transformers with individual metering at each single family unit. This new individual metering will encourage current residents to conserve energy. The present system is owned and maintained by the Housing Authority, and due to the system's age, is prone to service outages and equipment failures. After the new system is installed, the Housing Authority will only own and maintain the electrical lines from the electric meters into the buildings. Southern California Edison will own and maintain the

transformers and electrical lines up to and including the electric meters on the site. Consequently, after this new system is installed, the Housing Authority's maintenance expenses will decrease.

The scope of work for the electric meter conversion project includes installation and repair of electrical conduits, pull boxes, electric meter panels, meter enclosures, installing and grounding transformer pads, demolition and removal of existing overhead wiring service, removal of transformers, and related demolition.

The improvements are being federally funded, and are not subject to the requirements of the Greater Avenues for Independence (GAIN) Program or the General Relief Opportunity for Work (GROW) Program implemented by the County of Los Angeles. Instead, C A S General Contractor will comply with Section 3 of the Housing and Community Development Act of 1968, as amended, which requires that employment and other economic opportunities generated by certain HUD assistance be directed to low- and very low-income persons, particularly to persons who are recipients of HUD housing assistance.

### **CONTRACTING PROCESS**

On July 2, 2010, the Housing Authority initiated an outreach to identify a contractor to complete the work at the subject property. Invitations for Bids were electronically sent to all 311 Class B licensed contractors identified from the Commission's vendor list. Advertisements also appeared in eight local newspapers and on the County WebVen website. Twenty bid packages were requested and distributed.

On July 21, 2010, nine bids were received and formally opened. The lowest bid, submitted by Bestek Engineering, was determined to be non-responsive due to insufficient documentation and was rejected. The next lowest bidder, C A S General Contractor was determined to be the most responsive and responsible and is being recommended for the Contract award. The Summary of Outreach Activities is provided in Attachment A.

### **ENVIRONMENTAL DOCUMENTATION**

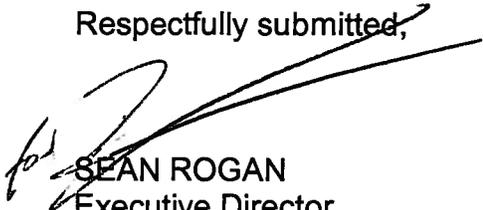
Pursuant to Title 24 of the Code of Federal Regulations, Section 58.35 (a)(3)(ii), this action is excluded from the National Environmental Policy Act because it involves activities that will not alter existing environmental conditions. The action is exempt from the provisions of CEQA pursuant to State CEQA Guidelines Section 15301 because it involves negligible or no expansion of an existing use and does not have the potential for causing a significant effect on the environment.

Honorable Housing Commissioners  
August 25, 2010  
Page 4

**IMPACT ON CURRENT PROJECT**

The award of the Contract will provide for the electric meter conversion at the Nueva Maravilla housing development. These improvements will serve to conserve energy, increase cost savings to the Housing Authority, and improve services to the residents.

Respectfully submitted,



SEAN ROGAN  
Executive Director

Enclosures

## ATTACHMENT A

### Summary of Outreach Activities Nueva Maravilla Electrical Conversion Project

On July 2, 2010, the following outreach was initiated to identify a contractor for the electric meter conversion project at the Nueva Maravilla housing development located at 4919 Cesar E. Chavez, within the unincorporated area of Los Angeles County.

#### A. Newspaper Advertising

Announcements appeared in the following eight local newspapers:

Dodge Construction News	Los Angeles Sentinel
Eastern Group Publications	Los Angeles Times
International Daily News	The Daily News
La Opinion	Wave Community Newspapers

An announcement was also posted on the County Web Site.

#### B. Distribution of Bid Packages

The Housing Authority's vendor list was used to mail out Invitations for Bids to 311 Class B licensed contractors. As a result of the outreach, twenty bid packages were requested and distributed.

#### C. Pre-Bid Conference and Site Walk

On July 12, 2010, a mandatory pre-bid conference and site walk was conducted. Fifteen firms were in attendance.

#### D. Bid Results

On July 21, 2010, a total of nine bids were received and publicly opened. The bid result was as follows:

<u>Company</u>	<u>Bid Amount</u>
Bestek Engineering Inc.	\$1,524,004
C A S General Contractor	\$1,838,900
Cal Electro Inc.	\$1,900,039
DELMAC Construction and Development	\$2,186,000
Western Group Inc.	\$2,195,522
S.H.E. Engineering & Construction	\$2,407,943
Tobo Construction	\$2,432,000
Berg Electric	\$2,526,479
Cal-City Construction Inc.	\$2,661,515

E. Minority/Female Participation – Selected Contractor

<u>Name</u>	<u>Ownership</u>	<u>Employees</u>
C A S General Contractor	Minority	Total: 3 3 Minorities 0 Women 100% Minorities 0% Women

F. Minority/Female Participation – Contractors Not Selected

<u>Name</u>	<u>Ownership</u>	<u>Employees</u>
Bestek Engineering Inc.	Minority	Total: 5 5 Minorities 1 Woman 100% Minorities 20% Women
Cal Electro Inc.	Non-Minority	Total: 10 1 Minorities 2 Women 10% Minorities 20% Women
DELMAC Construction and Development	Non-Minority	Total: 29 24 Minorities 1 Woman 83% Minorities 3% Women
Western Group Inc.	Non-Minority	Total: 7 4 Minorities 1 Woman 57% Minorities 14% Women
S.H.E. Engineering and Construction	Minority	Total: 5 4 Minorities 2 Women 80% Minorities 40% Women

Tobo Construction	Minority Women Owned	Total: 10 10 Minorities 4 Women 100% Minorities 40% Women
Berg Electric	Non-Minority	Total: 214 109 Minorities 22 Women 51% Minorities 10% Women
Cal-City Construction Inc.	Minority	Total: 21 20 Minorities 2 Women 95% Minorities 10% Women

The Housing Authority conducts ongoing outreach to include minorities and women in the contract award process, including: providing information at local and national conferences; conducting seminars for minorities and women regarding programs and services; advertising in newspapers to invite placement on the vendor list; and mailing information to associations representing minorities and women. The above information has been voluntarily provided to the Housing Authority.

The recommended award of the contract is being made in accordance with the Housing Authority's policies and federal regulations, and without regard to race, creed, color, or gender.

## ATTACHMENT B

### Contract Summary

**Project Name:** Nueva Maravilla Electric Meter Conversion Project  
**Location:** 4919 Cesar E. Chavez, Los Angeles, CA 90022  
**Bid Number:** CDC10-211  
**Bid Date:** July 21, 2010  
**Contractor:** C A S General Contractor  
**Services:** Includes installation and repair of electrical conduits, pull boxes, electric meter panels, meter enclosures, installing and grounding transformer pads, demolition and removal of existing overhead wiring service, removal of transformers, and related demolition.

**Contract Documents:** Part A – Instructions to Bidders and General Conditions; Part B – Specifications; Part C – Bidder’s Documents, Representations, Certifications, Bid, and Other Statements of Bidder; Drawings by Carde Ten Architects, Inc; all Addenda to the Contract Documents.

**Time of Commencement and Completion:** The work to be performed under this Contract shall be commenced within ten (10) days after a Notice to Proceed is received by the Contractor, or on the date specified in the Notice, whichever is later, and shall be completed within Three hundred sixty five (365) calendar days following the required commencement date.

**Liquidated Damages:** In the event of breach of contract, the Contractor and his/her sureties shall be liable for, and shall pay to the Housing Authority the sum of **One Thousand Dollars and Zero Cents (\$1000.00)** as liquidated damages for each calendar day of delay, until the Work is accepted by the Owner.

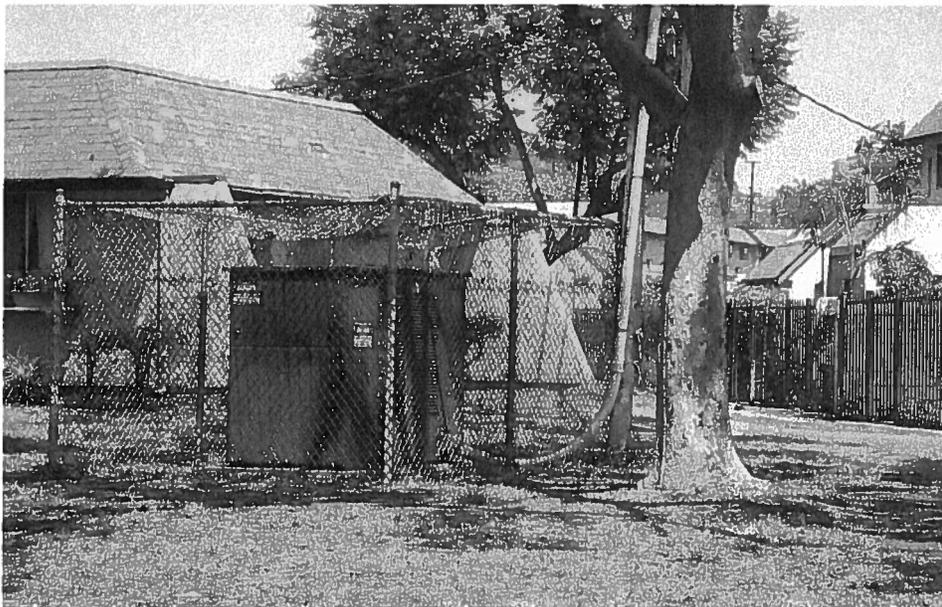
**Contract Sum:** The Housing Authority shall pay the Contractor for the performance of the Construction Contract subject to additions and deductions by Change Order(s) as provided in the Contract Documents, in current funds, the sum of **One Million Eight Hundred Thirty-Eight Thousand Nine Hundred Dollars (\$1,838,900)**. The Contract Sum is not subject to escalation, includes all labor and material increases anticipated throughout the duration of this Construction Contract.

**Contract Contingency: \$367,780**

## Nueva Maravilla Electrical Conversion



Nueva Maravilla Community

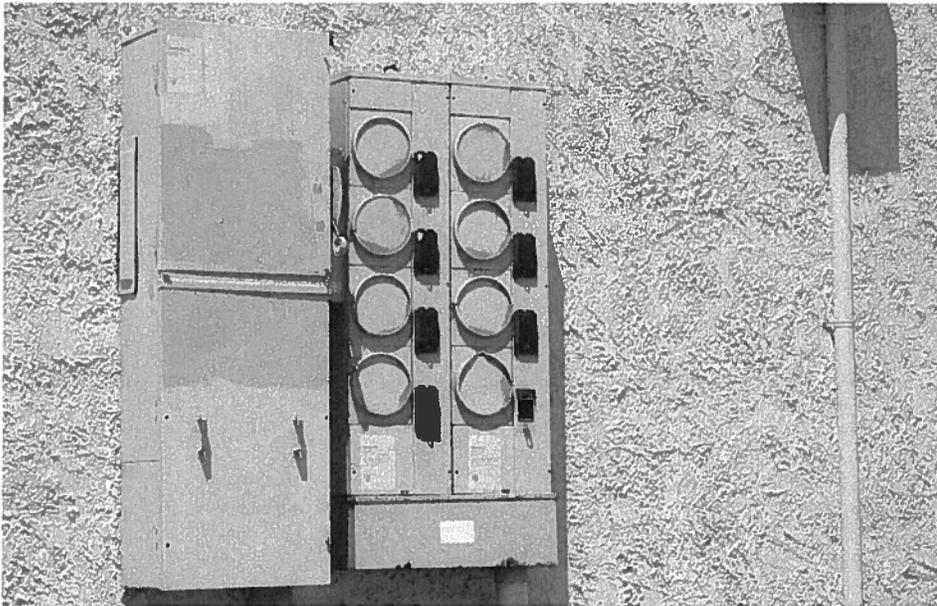


Unightly transformers will be replaced with new ones that are owned by Southern California Edison.

## Nueva Maravilla Electrical Conversion



Overhead electrical lines will be eliminated.



Individual units of each building will have their own electric meter.

## Nueva Maravilla Electrical Conversion



New transformer pads will be installed.



The new electric service will run underground through conduits.



**HOUSING AUTHORITY  
of the County of Los Angeles**

Administrative Office  
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**Gloria Molina  
Mark Ridley-Thomas  
Zev Yaroslavsky  
Don Knabe  
Michael D. Antonovich**  
Commissioners

**Sean Rogan**  
Executive Director

August 25, 2010

Honorable Housing Commissioners  
Housing Authority of the  
County of Los Angeles  
2 Coral Circle  
Monterey Park, CA 91755

Dear Commissioners:

**APPROVE SETTLEMENT OF TORT LIABILITY CASE ESTATE OF ENEDINA DE  
LOZA ACEVES, ET AL. VS. HOUSING AUTHORITY OF THE COUNTY  
OF LOS ANGELES, ET AL.**  
**(ALL DISTRICTS)**

**SUBJECT**

This letter recommends approval of a settlement in the amount of \$75,000 for a lawsuit filed by the Estate of Enedina De Loza Aceves against the Housing Authority of the County of Los Angeles (HACoLA). The lawsuit arose out of a February 8, 2009 accident where Ms. Enedina de Loza Aceves was struck by a vehicle on her way to her unit and died at the scene. The Estate of Enedina de Loza Aceves claims Ms. Aceves would not have been crossing the street if her request for reasonable parking had been accommodated.

**IT IS RECOMMENDED THAT YOUR BOARD:**

1. Recommend that the Board of Commissioners approve and authorize the Executive Director to execute a settlement agreement in the amount of \$75,000, to be paid from \$37,500 in Housing Management Administrative Funds and \$37,500 in Public Housing Operating Funds, to the Estate of Enedina De Loza Aceves, Lillian Gutierrez and Jesse Aceves in settlement of Estate of Enedina De Loza Aceves, et al. vs. Housing Authority of the County of Los Angeles, et al., following approval as to form by County Counsel.
2. Recommend that the Board of Commissioners find that approval of the settlement is not subject to the provisions of the California Environmental

Quality Act (CEQA) because the activity is not defined as a project under CEQA.

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of this action is to approve a settlement of this case in the amount of \$75,000 in lieu of proceeding to litigation. As part of the settlement, the Plaintiffs will also withdraw their American's with Disabilities Act (ADA) complaint with the U.S. Department of Housing and Urban Development (HUD) Office of Fair Housing and Equal Opportunity (FHEO) Department.

### **FISCAL IMPACT/FINANCING**

There is no impact on the County general fund. The financing of the proposed settlement agreement will be paid using \$37,500 in administrative and \$37,500 in operating funds included in the Housing Authority's approved Fiscal Year 20010-2011 budget.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The Estate of Enedina de Loza Aceves claims that on January 20, 2009, Ms. Enedena de Loza Aceves submitted to the Housing Authority a reasonable accommodation request for a parking space near her unit at the senior complex. Although the Housing Authority did meet with Ms. Aceves and provided her a parking space in the development's family complex area, the Estate alleges the Housing Authority failed to properly respond to Ms. Aceves' reasonable accommodation request by not providing her an assigned parking space in the senior complex area. The Estate alleges Ms. Aceves was disabled and unable to walk long distances due to a knee injury.

On February 8, 2009, Ms. Aceves died when she was struck by a vehicle on Mednik Avenue. She was crossing the street from the western side of Mednik Avenue to her building at night, failing to use the designated pedestrian crosswalk. Signs were posted both at the curb where Ms. Aceves entered the street, and at the point on the opposite curb she had intended to reach, indicating that pedestrians were not to cross the street at that location. The police report of the incident places the blame for the accident upon decedent.

In addition to presenting a claim to the Housing Authority, Ms. Aceves' heirs filed an ADA complaint with HUD's FHEO Department.

If the matter proceeds to trial, the Estate and adult children will seek in excess of \$500,000 for General Damages, including pain and suffering, emotional distress, and non-economic damages. Further, the Housing Authority risks penalties from any negative HUD decision.

Honorable Housing Commissioners  
August 25, 2010  
Page 3

Expenses incurred by the Housing Authority in defense of this matter include attorneys' fees in the amount of \$24,660 and other fees and costs in the amount of \$2,220. The Housing Authority estimates approximately \$135,000 in additional costs and expenses if the case proceeds to trial.

The proposed settlement of this case in the amount of \$75,000 and retraction of the HUD complaint was achieved following several informal settlement discussions and formal mediation. The settlement will prevent further litigation expenses and potential jury verdicts substantially in excess of the settlement amount. The Plaintiffs have approved and executed the settlement agreement. On August 25, 2010, the Housing Commission recommended approval of the proposed settlement.

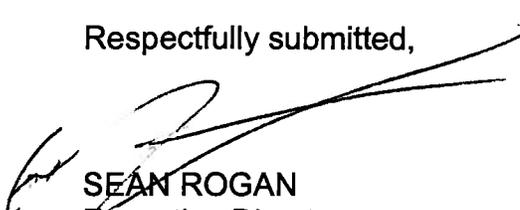
### **ENVIRONMENTAL DOCUMENTATION**

This action is exempt from the provisions of the National Environmental Policy Act pursuant to 24 Code of Federal Regulations, Part 58, Section 58.34 (a)(3) because it involves administrative activities that will not have a physical impact on or result in any physical changes to the environment. This action is not subject to the provisions of CEQA pursuant to State CEQA Guidelines 15060(c)(3) and 15378 because it is not defined as a project under CEQA and does not have the potential for causing a significant effect on the environment.

### **IMPACT ON CURRENT SERVICES**

This settlement will avoid further litigation expenses, and conclude this lawsuit. Furthermore the Estate of Enequina De Loza Aceves will withdraw the ADA complaint with HUD's FHEO Department.

Respectfully submitted,



SEAN ROGAN  
Executive Director